

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KEVIN SHAY, on behalf of ROBERT M.
SHAY,

Plaintiff,

v.

MICHAEL J. ASTRUE,

Defendant.

CASE NO. C11-5622 BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation ("R&R") of the Honorable J. Richard Creatura, United States Magistrate Judge. Dkt. 19. The Court having considered the R&R and the remaining record, and no objections having been filed, does hereby find and order as follows:

- (1) The R&R is **ADOPTED**;
- (2) Defendant's decision is **REVERSED**; and
- (3) This action is **REMANDED** for further administrative proceedings in accordance with the findings contained in the R&R.

Dated this 23rd day October, 2012.



BENJAMIN H. SETTLE
United States District Judge